

### **REMARKS**

This responds to the final Office Action mailed on March 5, 2008.

Claims 1-4, 8, 12, 16, 18-19, 20, 22, and 26 have been amended herein. No claims have been canceled or added. As a result, claims 1-4, 8, 12-13, 16-20, 22-23, and 26-37 are still pending in this application.

#### **35 U.S.C. §103 Rejection of the Claims**

Claims 1-4, 8, 12-13, and 16-20 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah et al. (U.S. Pub. No. 2005/0059396A1) (hereinafter Chuah).

Claim 1 is an independent claim directed to a method comprising: (a) at an access point in a wireless network that includes a first wireless transceiver following a first wireless standard and a second wireless transceiver following a second wireless standard to provide wireless network access for wireless client devices, determining whether a wireless client device having a low quality signal is sharing said first wireless transceiver with a wireless client device having a high quality signal; and (b) when a wireless client device having a low quality signal is sharing said first wireless transceiver with a wireless client device having a high quality signal, moving said wireless client device having a low quality signal to said second wireless transceiver.

Chuah is directed to a communication protocol between a gateway and an access point. As stated in the office action, Chuah teaches basic load balancing to relieve a transceiver from over usage (paragraph [0065] of Chuah). That is, Chuah teaches a gateway that rejects an open service access request from a new user if the requested transceiver is being over used (paragraph [0066] of Chuah). The rejection forces the LAN card of the mobile host to reassociate with a different transceiver in the access point (paragraph [0066] of Chuah). Chuah does not teach, nor does it suggest, “determining whether a wireless client device having a low quality signal is sharing said first wireless transceiver with a wireless client device having a high quality signal.” Similarly, Chuah does not teach or suggest, “when a wireless client device having a low quality signal is sharing said first wireless transceiver with a wireless client device having a high quality signal, moving said wireless client device having a low quality signal to said second wireless transceiver.” Chuah is simply rejecting an access request received from a mobile host when it is believed that granting the access will over burden the corresponding transceiver. There is no

discussion about differences in the quality of the signal between different user devices or how this can be used to make a decision to have a device move to another transceiver. In addition, the technique discussed in Chuah is implemented at the time that a user device requests access. The claimed method is not limited in this fashion and may be performed at any time. Thus, if a wireless device initially has a high quality signal and later develops a low quality signal while still associated with the same access point, the claimed technique can identify the situation and move the device accordingly. The teachings of Chuah do not allow this.

Based on the foregoing, it is submitted that Chuah does not render obvious the subject matter of independent claim 1. Reconsideration and allowance of claim 1 is therefore respectfully requested. Similar arguments apply to independent claims 12 and 18.

Claims 2-4 and 8, claim 13 and 16-17, and claims 19-20 are dependent claims that depend either directly or indirectly from independent claims 1, 12, and 18, respectively. Consequently, these claims are allowable for at least the same reasons as their corresponding base claims. These claims also provide further bases for patentability. For example, claim 3 further defines “determining” of claim 1 as including “analyzing data rates requested by wireless client devices associated with said first wireless transceiver.” Chuah does not teach or suggest analyzing data rates requested by wireless client devices to determine whether a wireless client device having a low quality signal is sharing a first wireless transceiver with a wireless client device having a high quality signal.

Claims 29, 32, and 35 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah, as applied to claims 1, 12 and 18, and further in view of Esteves et al. (U.S. Patent No. 6,687,510).

Claims 29, 32, and 35 are dependent claims that depend directly from independent claims 1, 12, and 18, respectively. Consequently, these claims are allowable for at least the same reasons as their corresponding base claims.

Claims 27, 28, 30, 31, 33, and 34 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah, as applied to claims 1, 12 and 18, and further in view of Official Notice.

Claims 27 and 28, claims 30 and 31, and claims 33 and 34 are dependent claims that depend directly from independent claims 1, 12, and 18, respectively. Consequently, these claims

are allowable for at least the same reasons as their corresponding base claims. These claims also provide further bases for patentability. For example, claim 27 further defines the “first wireless standard” of claim 1 as being “a standard that achieves better throughput than said second wireless standard” and the “second wireless standard” of claim 1 as being “a standard that achieves better range than said first wireless standard.” It should be stressed that the obviousness analysis must consider the invention “as a whole.” [See 35 U.S.C. 103.] Neither Chuah nor the well known prior art teach or suggest switching a wireless device having a low quality signal to a wireless transceiver following a standard that achieves better range from a wireless transceiver that follows a standard that achieves better throughput when it is determined that the wireless device having a low quality signal is sharing the better throughput wireless transceiver with a wireless device having a high quality signal. Claim 28 further defines the “first wireless standard” of claim 1 as being “IEEE 802.11a” and the “second wireless standard” of claim 1 as being “IEEE 802.11b,g.” Neither Chuah nor the well known prior art teach or suggest switching a wireless device having a low quality signal to a wireless transceiver following IEEE 802.11b,g from a wireless transceiver that follows IEEE 802.11a when it is determined that the wireless device having a low quality signal is sharing the IEEE 802.11a wireless transceiver with a wireless device having a high quality signal. Similar arguments apply to claims 30, 31, 33, and 34.

Claims 22, 23, and 26 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah and further in view of Fox et al. (U.S. 6,879,807) (hereinafter Fox).

Fox was cited to show that dipole antennas coupled to wireless transceivers were known at the time of the invention. Claim 22 should be allowable for at least the same reasons as independent claim 12 discussed above.

Claims 23 and 26 are dependent claims that depend directly from independent claim 22. Consequently, these claims are allowable for at least the same reasons as their corresponding base claims.

Claims 36 and 37 were rejected under 35 U.S.C. § 103(a) as being unpatentable over Chuah, in view of Fox, as applied to claim 22, and further in view of Official Notice.

Claims 36 and 37 are dependent claims that depend directly from independent claim 22. Consequently, these claims are allowable for at least the same reasons as their corresponding

base claims. These claims also provide independent bases for patentability for substantially the same reasons discussed above with respect to claims 27 and 28.

The present office action relies upon at least one 35 USC § 102(a) or 35 USC § 102(e) reference. Please note that no part of the present response is to be deemed an admission that this (these) reference(s) is (are) valid prior art in the present application. As such, the Applicants reserve the right to swear behind this (these) reference(s) at a later date.

**Conclusion**

Applicant respectfully submits that the claims are in condition for allowance and notification to that effect is earnestly requested. The Examiner is invited to telephone Applicant's attorney (480-948-3745) to facilitate prosecution of this application.

Respectfully submitted,


GREG A. PEEK

By his Representatives,

**CUSTOMER NUMBER: 45643**  
480-948-3745

Date: June 5, 2008

By

  
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**CERTIFICATE UNDER 37 CFR 1.8:** The undersigned hereby certifies that this correspondence is being deposited with the United States Postal Service with sufficient postage as first class mail, in an envelope addressed to: Mail Stop AF, Commissioner of Patents, P.O. Box 1450, Alexandria, VA 22313-1450, on this 5th day of June, 2008.

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Shellie Bailey